

VZCZCXRO7054
PP RUEHDE
DE RUEHMS #1048/01 1831320
ZNR UUUUU ZZH
P 021320Z JUL 06
FM AMEMBASSY MUSCAT
TO RUEHC/SECSTATE WASHDC PRIORITY 6827
INFO RUEHZM/GULF COOPERATION COUNCIL COLLECTIVE
RUEHLM/AMEMBASSY COLOMBO 0047
RUEHKA/AMEMBASSY DHAKA 0027
RUEHIL/AMEMBASSY ISLAMABAD 0285
RUEHML/AMEMBASSY MANILA 0032
RUEHNE/AMEMBASSY NEW DELHI 0279

UNCLAS SECTION 01 OF 03 MUSCAT 001048

SIPDIS

SENSITIVE
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STATE FOR G/TIP (G. PATEL, M. TAYLOR), DRL (J. DEMARIA)
STATE ALSO FOR NEA/ARP, NEA/PI

E.O. 12958: N/A

TAGS: [ELAB](#) [PHUM](#) [SMIG](#) [PBTS](#) [PREL](#) [MU](#)

SUBJECT: TRAFFICKING IN PERSONS: ASIAN AMBASSADORS OFFER
VIEWS

Summary

¶1. (SBU) In a June 27 working lunch hosted by the Ambassador, colleagues from labor-source countries outlined problems faced by their nationals, to include salary arrears, lack of legal status, and in some cases physical or sexual assault. Their suggested improvements include additional labor protections for domestic workers, stricter enforcement of visa regulations, formal Omani sanction of the shelters several embassies operate (vice government-run shelters), and substantial revision to the way police handle assault and rape cases. These suggestions will be added to our bilateral discussions with Oman on possible steps to strengthen trafficking in persons protections. End summary.

¶2. (SBU) The Ambassador hosted a June 27 luncheon for the ambassadors of the Philippines, Bangladesh, Sri Lanka and Pakistan (India's ambassador regretted), as well as the UNICEF country director, to discuss trafficking in persons (TIP) concerns in Oman.

Border Visas Circumvent Vetting Process

¶3. (SBU) Philippine Ambassador Acmed Omar said there were 25,000 Filipinos in Oman, about 75 percent of whom work as domestics. For those entering the Sultanate on labor visas, the Philippine Embassy must have first issued a "non-objection certificate" (NOC) to the Omani government, which helps ensure the labor contract stipulates an appropriate wage and is issued by a reputable employer. Most problems arise when Filipinos are recruited in the United Arab Emirates, and then enter Oman via land on a border-issued tourist visa. As those labor arrangements skirt formal vetting, they account for half of the most serious problems related to payment of wages or immigration status. Sri Lankan Ambassador Meersahib Mahroof complained of the same problem, adding that there are approximately 20,000 Sri Lankans working in Oman as domestics. The two ambassadors estimated that problem cases involving laborers with border visas typically number four-five per month. (Note: India, the Philippines and Sri Lanka are the principle source countries for domestic laborers in Oman. End note.)

Sponsors Violate the Law

¶4. (SBU) The ambassadors agreed that most labor abuses entailed work sponsors simply not upholding their obligations: not paying the full contract wage, failing to renew work visas, failing to pay return passage, or paying no wages at all. The Sri Lankan ambassador noted that some of these unpaid domestics are simply deposited at his embassy and left for him to find a way to repatriate them. The most vulnerable workers are those lacking legal documentation (either through the sponsor's fault, or if the employee is using a forged or substitute passport), whom the sponsor could then threaten to report to the authorities. Ambassador Mahroof said Sri Lanka is adopting new passports that will be less susceptible to such deceptions, but worried that the new passports will also have 10-year validity. With current 5-year validity, Sri Lankan laborers are more likely to come to the embassy for passport renewal, at which point the Sri Lankan consular officer is able to question them about their working conditions.

Pakistan's Special Case

¶5. (SBU) Pakistan Ambassador Javed Hafiz noted that his labor problems are somewhat different. In addition to the estimated 47,000 legal Pakistani workers, virtually all male, in the Sultanate, roughly 1,000 Pakistani men attempt to enter Oman illegally by sea each month. Not only are they deemed illegal under Omani law, but they violate Pakistani law as well, and face criminal penalties when deported back to Pakistan at the Omani government's considerable expense.

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He acknowledged that fear of Pakistani legal consequences may dissuade nationals in need of assistance from approaching his embassy.

¶6. (SBU) The most common labor problem his embassy faces are Pakistanis who either entered Oman illegally, or who entered legally but subsequently fell out of status (failing to renew work visas, or abandoning a labor contract in favor of other work). Those who are out of status have an exceptionally difficult time quitting their jobs and returning to Pakistan, since the cost of legalizing their status to obtain an Omani exit permit can be beyond their means, particularly when the employer withholds salaries to encourage the worker to remain. Ambassador Hafiz said "several thousand" Pakistani nationals are currently in this "limbo" status, and the Embassy is hoping to negotiate an arrangement with the Omani government to facilitate their departure. The Sri Lankan ambassador said he had 70 nationals in such limbo, and estimated there were 5,000 Indians in a similar status.

Pakistani Efforts, Cooperation

¶7. (SBU) The Pakistani ambassador had high praise for Oman's treatment of illegal migrants. He denied that his nationals were trafficking victims as opposed to economic migrants, and moreover said that this was a "Pakistani problem, not an Omani problem." He turned down suggestions from Islamabad to assign a police investigator to his embassy to help question Pakistani deportation detainees about the human smuggling networks and agents employed in getting them to Oman, insisting that such work should be carried out in Karachi when the detainees are repatriated.

¶8. (SBU) Hafiz noted Pakistani efforts to increase the security presence along the Iranian frontier. Most migrants transit that border to meet up with the "mafia" groups that then board them on Iranian vessels to Oman and the UAE. Pakistani and Omani police forces formed a joint committee in February that will convene every six months to monitor

progress in halting this illegal flow. He was not aware, however, of a similar Pakistani effort with Iran, nor of the decree to which Omani nationals might be involved in these smuggling rings. He noted the possibility, since Oman has a large ethnic-Baluch population on the Batinah coastline (where most of the migrants are deposited) who share family links to Baluchis in Pakistan.

Shelters, Assault Victims

¶9. (SBU) The Sri Lankan and Philippine ambassadors spoke of the shelters their embassies run for laborers in exigent circumstances. On an average day, there are up to 20 Filipinas and 5-15 Sri Lankans in their respective embassy shelters, usually domestics who lack a legal sponsor. Ambassador Mahroof complained that the Foreign Ministry has ordered his embassy to shut down the shelter, while the Philippine ambassador says his shelter operates in a bureaucratic "gray" area, but does not draw the MFA's ire as long as the embassy immediately reports the identity of every new guest. While both ambassadors agreed the number of rape and assault cases against their nationals are in the low single digits each year, they criticized lack of prosecution. In fact, Omani medical facilities are not permitted to treat a rape or assault victim without a police report first being filed. The ambassadors accused the Royal Oman Police of dragging their feet in such cases involving domestics, saying the police prefer to deal with the cases as a dispute requiring arbitration, rather than as a crime.

Suggested Omani Actions

¶10. (SBU) Summarizing their concerns about possible trafficking vulnerabilities, the ambassadors agreed that it would be useful if Oman ceased issuing border tourist visas to those coming to Oman for work. While Ministry of Manpower regulations offer guidelines on labor rules for domestic

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employees, the ambassadors want those regulations more formally codified. They want the Omani government to give formal sanction and recognition to the shelters run by some embassies; they do not believe that Omani government-run shelters would serve the needs of their citizens. They also ask that medical care be given immediately and unconditionally to rape and assault victims, followed by genuine police investigation.

Comment

¶11. (SBU) The Ambassador has a standing request to meet with the MFA Under Secretary to discuss the 2006 TIP report and suggested actions to improve Oman's Tier 2 Watchlist rating. The suggestions of the ambassadors above will be folded into some of our other ideas for actions Oman might take.
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